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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,995	06/20/2001	Wataru Yamamoto	08215.125	2414

7590, 07/16/2003

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EXAMINER

TUNG, TA HSUNG

ART UNIT

PAPER NUMBER

1753

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,995

Applicant(s)

YAMAMOTO W.

Examiner

T. TUNG

Group Art Unit

1753

Paper No. 8

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 6/27/03
- ☒ Responsive to communication(s) filed on _____
 - ☒ This action is **FINAL**.
 - ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-3 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-3 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 1102

Claims 2, 3 are rejected under 35 U.S.C. 102(a) as being anticipated by admitted prior art.

Applicant's claims are considered to be met by the device shown in instant figures 10-12, as discussed in the previous Office action.

Applicant argues that the anode cartridge is recited to be for electroplating. It is well-known in the art that while a cathode cartridge carries a plated base with a part to be plated, the anode cartridge "may not" include the plated base.

It is unclear if applicant uses "may" in the sense of permission or in the sense of maybe. Either way, his argument is totally non-persuasive.

First, an object to be coated or plated (plated base) is not always the cathode. For instance, to provide an oxide coating on an aluminum base involves making the aluminum base the anode in a process known as "anodizing". See Wehrmann 3,824,159 (example 1 in column 5) in this regard. This document is cited here as an explanation reference, and is not used as an anticipatory reference.

Second, there is absolutely nothing in applicant's claim language that excludes the presence of a plated base.

Thus, the terms "anode cartridge" and "anode conductor" are expressions of intended use and do not structurally distinguish over the device shown in figures 10-12.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 1102

Claim 1, line 13, "said cathode conductor....are retained" is deemed to be misdescriptive in that while the rear wall insulator 6 appears to retain the first elastin thin board 3 and the plated base 2, it does not retain the cathode conductor 5.

Claim 1, line 19, "is" should be --being--.

Claim 1, line 20, "has" should be --having--.

This rejection is prompted by applicant's June 27, 2003 response amending claim 1.

Claim 1 would be allowable upon overcoming the 35 USC 112 rejection.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The examiner can be reached at 703-308-3329. His supervisor Nam Nguyen can be reached at 703-308-3322. Any general inquiry should be directed to the receptionist at 703-308-0661. A fax number for TC 1700 is 703-872-9311.

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A handwritten signature in black ink, appearing to read 'Ta Tung', with a stylized, flowing script.

Ta Tung

Primary Examiner

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